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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VU, NGOC K

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/522,053

Applicant(s)

ROSENBERG ET AL.

Examiner

Ngoc K. Vu

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed June 17, 2002 have been fully considered but they are not persuasive.

Applicant argued "The cited reference to Lu simply does not say much of anything about the sources that he receives. There is no indication that they are heterogeneous and there is no indication that anything in particular is done to handle their heterogeneous nature", and "There is no teaching that they (video streams) are received at different frame rates, packetized, and enabled to be de-packetized at the original frame rate". These arguments are not persuasive based on the following reasons.

First, the cited reference is teaching of Yang et al (US 6,005,620) not "Lu" as applicant addressed. Second, according to the specification, the term "heterogeneous video" is just video from disparate sources. Regarding to claim 11, Yang clearly discloses multiplexing a plurality of video signals included the video from at least two video sources 32. Two live video sources 32 are two separate sources wherein each of the video sources stores a live video signal corresponding to live sporting event or news channel. Thus, two heterogeneous video streams are two video streams come from two disparate sources 32. Yang further shows that each encoder RTE compresses live video signal at a variable compression rate to generate a compressed video signal, and a controller controls the variable compression rate of the encoder based on the complexity signal. Each encoder 52 compresses its associated video signal at a variable rate, depending upon a compression factor generated by the controller 42 and transmitted to the encoder 52 via a line 56. The video signal is compressed by quantizer 64, then encoded by encoder and converted into data packets suitable for broadcast transmission by a packetizer 72 (see figures 3-4). It must be understood that each video signal is packetized independently.

Regarding to claim 13, Yang discloses the bandwidth (frame data in data bits/second) for the live video signals is determined by subtracting the pre-compressed video bandwidth from the total video bandwidth available for the broadcast system. The bandwidth for the current video signal is converted to a corresponding compression factor, in the form of a quantizing factor, which is then transmitted to the corresponding encoder to specify the rate of compression of the video signal by that encoder. Thus, each of live video streams has a different bandwidth or frame rate. It is noted that the video signal is packetized or converted into data packets suitable for broadcast transmission. The packetized video signal is then de-packetized or re-assembled in the original video format at the receiver for displaying.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Yang et al. (US 6,005,620).

Regarding claim 11, Yang discloses a system (12) comprising: a processor (82, 42); storage (86, 42) coupled to the processor; a video controller (RTE 52) coupled to the processor; a packetization device (72, 52) coupled to the video controller which independently packetizes (each video source 32 is packetized separately by its associated packetization device 72, 52) at least two heterogeneous video streams (two video streams from two separated sources 32) (see FIG. 1-4; col. 3, lines 60-62; col. 4, lines 23-31).

Regarding claim 12, Yang shows a modulation device (52) to modulate and transport the independently packetized streams (see FIG. 1-4; col. 3, lines 4-7).

Regarding claim 13, Yang teaches each RTE 52 controls each frame rate of the video stream independently (the bandwidth for the current video signal is converted to a corresponding compression factor, in the form of a quantizing factor, which is then transmitted to the corresponding encoder to specify the rate of compression of the video signal by that encoder - see FIG. 4; see col. 4, lines 59-65) and packetizes the stream to be de-packetized at the original frame rate in a display device (the packetized video signal is then de-packetized or re-assembled in the original video format at the receiver via 22 for displaying - see FIG. 1).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

NV
August 17, 2002


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600